



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-JCB-2005-1445
EVALUATOR:	Ms. Joyce Butler
PHONE NO.:	(601) 631-5294
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	November 23, 2005
EXPIRATION DATE:	December 13, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

CCV Development, LLC
3985 Wildflower Lane
Alexander, Arkansas 72002

Name of Agent:

Dr. Jerry Overton
ATOKA, Incorporated
426 Winona Street
Hot Springs, Arkansas 71901

Location of Work: Sections 17, 18, and 19, T1S-R14W, latitude 34.6249114821°, longitude -92.5323333041°, within the Upper Saline drainage basin, Saline County, near Bryant, Arkansas.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to mechanically clear and fill wetlands along the north shore of Hurricane Lake. The purpose of the project would be for

construction of the North Shore Hurricane Lake Estates, Utility II Subdivision. The development would partially fill the need for single family housing created by current and future population growth in the area.

The project site is located along the inside of the two arms of the north end of Hurricane Lake. The wetlands that would be affected by the development consist of wetland fringe, reservoir fringe, and reservoir shore. Approximately 3,546 linear feet of wetland fringe (0-3% slope) varying in width from 10 to 35 feet is vegetated primarily in buttonbush, emergent and submergent hydrophytes, sedges, and rushes. Reservoir fringe wetlands extend for approximately 4,552 linear feet and vary in width from 5 to 10 feet. The reservoir fringe wetlands are similarly vegetated to the wetland fringe, but with a steeper (3-5%) slope. The reservoir shore wetlands have a slope of 5 to 8% and extend for 1,310 linear feet. Width varies from 1 to 5 feet and vegetation is absent to scattered with some buttonbush and terrestrial hydrophytes. There are no submergent hydrophytes, sedges, or rushes located within the reservoir shore wetlands.

The applicant proposes to fill approximately 4.6 acres of jurisdictional wetlands along the east bank of the west arm of the lake to even up the shoreline and facilitate construction. Approximately 22,264 cubic yards of clean commercial fill soil would be discharged in wetlands in this location.

The project would include construction of a road and the house sites, all in non-jurisdictional areas. Additionally, the construction of bulkheads by individual lot owners could result in an unknown amount of fill and retaining wall construction materials being placed along the north shoreline. Permitting of the bulkheads would be considered on an individual lot basis.

A permit (JCB-200010170) was issued to another developer for similar work in the project area. That work has not been completed, the permit has expired, and this portion of the property has been transferred to the current applicant. Mitigation for a portion of the earlier project consisted of preservation of a site adjacent to this project site. That property was transferred to the current applicant and he proposes to retain the same mitigation site as mitigation for the 4.6 acres of impacts proposed at this time. The mitigation site is located to the west and adjacent to the project site. It consists of approximately 7.7 acres of braided stream along Hurricane Creek.

The placement of dredged and/or fill material in wetlands associated with the mechanized land clearing and filling of the site requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Saline County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.


Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed

activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

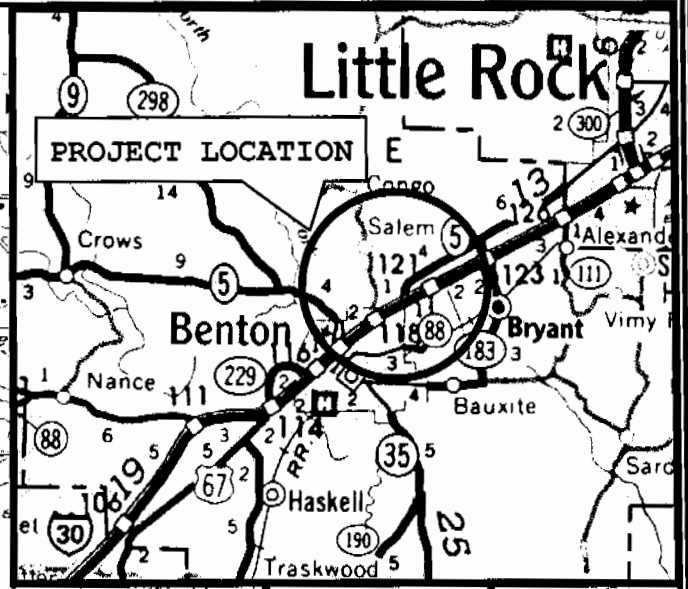
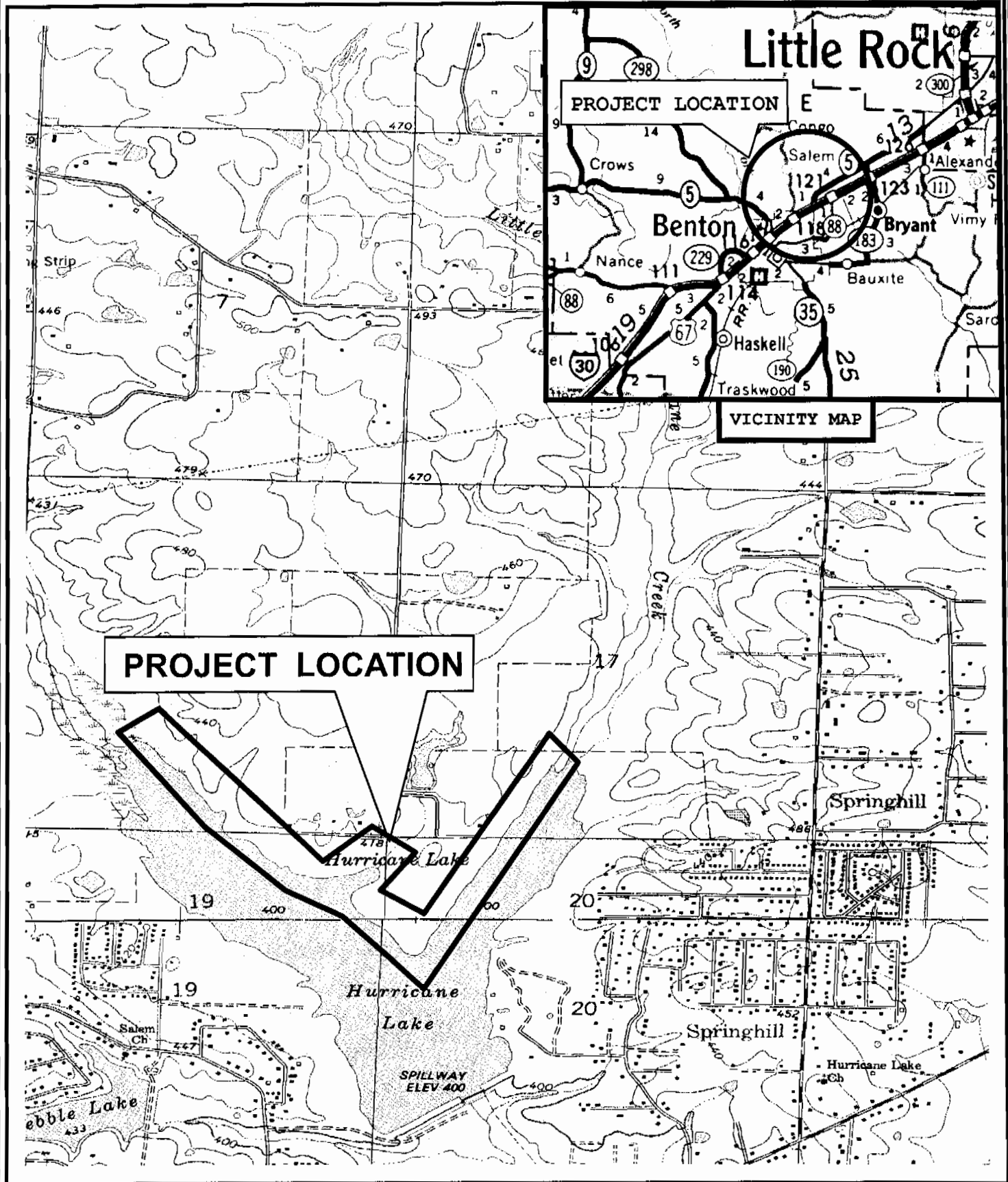
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

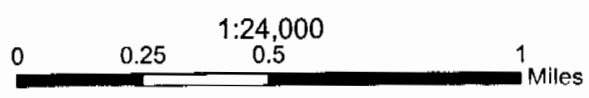

W. Harold Lee
Team Leader
Evaluation Section

North Shore Hurricane Lake Estates, Utility II



VICINITY MAP

PROJECT LOCATION

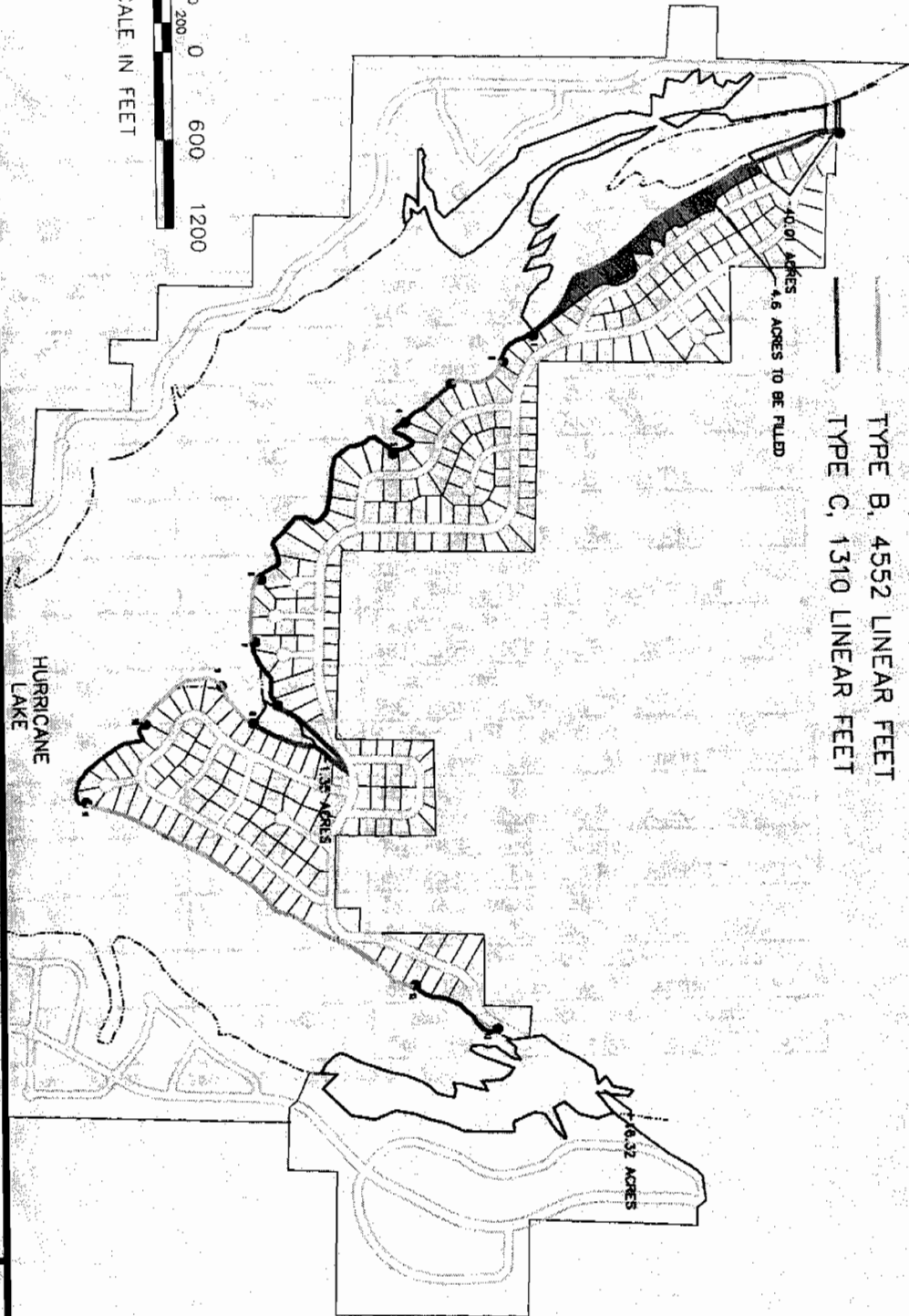


CEMVK-OD-FE JCB-MVK-2005-1445

CCV DEVELOPMENT, LLC

LEGEND

- EXISTING DELINEATED WETLANDS, 3941 LINEAR FEET
- TYPE A, 3546 LINEAR FEET
- TYPE B, 4552 LINEAR FEET
- TYPE C, 1310 LINEAR FEET



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CCV DEVELOPMENT, LLC



ATOKA Inc.

SHORELINE WETLANDS

**NORTH SHORE HURRICANE LAKE ESTATES
UTILITY II**

SALINE COUNTY

ARKANSAS

426 Winona, Hot Springs, Arkansas 71901
Phone: (501) 623-1121 Fax: (501) 623-2769

Plot Date: 4/14/05
Job No.: 05/022
CAD File: 3

Design	By	Date
Drawn	BEH	4/05
Check		
Scale	1"=1200'	
Date	4/05	